



Sen. Dan Cronin

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09400HB0866sam002

LRB094 06221 RAS 45871 a

1 AMENDMENT TO HOUSE BILL 866

2 AMENDMENT NO. _____. Amend House Bill 866 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.16 and by adding Section 4.26 as follows:

6 (5 ILCS 80/4.16)

7 Sec. 4.16. Acts repealed January 1, 2006. The following
8 Acts are repealed January 1, 2006:

9 The Respiratory Care Practice Act.

10 The Hearing Instrument Consumer Protection Act.

11 The Illinois Dental Practice Act.

12 The Professional Geologist Licensing Act.

13 The Illinois Athletic Trainers Practice Act.

14 ~~The Barber, Cosmetology, Esthetics, and Nail Technology~~
15 ~~Act of 1985.~~

16 The Collection Agency Act.

17 The Illinois Roofing Industry Licensing Act.

18 The Illinois Physical Therapy Act.

19 (Source: P.A. 89-33, eff. 1-1-96; 89-72, eff. 12-31-95; 89-80,
20 eff. 6-30-95; 89-116, eff. 7-7-95; 89-366, eff. 7-1-96; 89-387,
21 eff. 8-20-95; 89-626, eff. 8-9-96.)

22 (5 ILCS 80/4.26 new)

23 Sec. 4.26. Act repealed on January 1, 2016. The following

1 Act is repealed on January 1, 2016:

2 The Barber, Cosmetology, Esthetics, and Nail Technology
3 Act of 1985.

4 Section 10. The Barber, Cosmetology, Esthetics, and Nail
5 Technology Act of 1985 is amended by changing Sections 1-4,
6 1-7, 2-1, 2-7, 2A-7, 3-1, 3-2, 3-4, 3-6, 3-7, 3A-1, 3A-3, 3A-5,
7 3B-10, 3B-11, 3B-13, 3B-15, 3C-1, 3C-2, 3C-3, 3C-9, 3D-5, 4-1,
8 and 4-2 as follows:

9 (225 ILCS 410/1-4) (from Ch. 111, par. 1701-4)

10 (Section scheduled to be repealed on January 1, 2006)

11 Sec. 1-4. Definitions. In this Act the following words
12 shall have the following meanings:

13 "Board" means the Barber, Cosmetology, Esthetics, and Nail
14 Technology Board.

15 "Department" means the Department of Professional
16 Regulation.

17 "Director" means the Director of Professional Regulation.

18 ~~"Committee" means the Barber, Cosmetology, Esthetics, and~~
19 ~~Nail Technology Committee.~~

20 "Licensed barber" means an individual licensed by the
21 Department to practice barbering ~~and esthetics~~ as defined in
22 this Act and whose license is in good standing.

23 "Licensed cosmetologist" means an individual licensed by
24 the Department to practice cosmetology, nail technology, and
25 esthetics as defined in this Act and whose license is in good
26 standing.

27 "Licensed esthetician" means an individual licensed by the
28 Department to practice esthetics as defined in this Act and
29 whose license is in good standing.

30 "Licensed nail technician" means any individual licensed
31 by the Department to practice nail technology as defined in
32 this Act and whose license is in good standing.

1 "Licensed barber teacher" means an individual licensed by
2 the Department to practice barbering ~~and esthetics~~ as defined
3 in this Act and to provide instruction in the theory and
4 practice of barbering ~~and esthetics~~ to students in an approved
5 barber school ~~or esthetics school~~.

6 "Licensed cosmetology teacher" means an individual
7 licensed by the Department to practice cosmetology, esthetics,
8 and nail technology as defined in this Act and to provide
9 instruction in the theory and practice of cosmetology,
10 esthetics, and nail technology to students in an approved
11 cosmetology, esthetics, or nail technology school.

12 "Licensed cosmetology clinic teacher" means an individual
13 licensed by the Department to practice cosmetology, esthetics,
14 and nail technology as defined in this Act and to provide
15 clinical instruction in the practice of cosmetology,
16 esthetics, and nail technology in an approved school of
17 cosmetology, esthetics, or nail technology.

18 "Licensed esthetics teacher" means an individual licensed
19 by the Department to practice esthetics as defined in this Act
20 and to provide instruction in the theory and practice of
21 esthetics to students in an approved cosmetology or esthetics
22 school.

23 "Licensed esthetics clinic teacher" means an individual
24 licensed by the Department to practice esthetics as defined in
25 this Act and to provide clinical instruction in the practice of
26 esthetics in an approved school of cosmetology or an approved
27 school of esthetics.

28 "Licensed nail technology teacher" means an individual
29 licensed by the Department to practice nail technology and to
30 provide instruction in the theory and practice of nail
31 technology to students in an approved nail technology school or
32 cosmetology school.

33 "Licensed nail technology clinic teacher" means an
34 individual licensed by the Department to practice nail

1 technology as defined in this Act and to provide clinical
2 instruction in the practice of nail technology in an approved
3 school of cosmetology or an approved school of nail technology.

4 "Enrollment" is the date upon which the student signs an
5 enrollment agreement or student contract.

6 "Enrollment agreement" or "student contract" is any
7 agreement, instrument, or contract however named, which
8 creates or evidences an obligation binding a student to
9 purchase a course of instruction from a school.

10 "Enrollment time" means the maximum number of hours a
11 student could have attended class, whether or not the student
12 did in fact attend all those hours.

13 "Elapsed enrollment time" means the enrollment time
14 elapsed between the actual starting date and the date of the
15 student's last day of physical attendance in the school.

16 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

17 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

18 (Section scheduled to be repealed on January 1, 2006)

19 Sec. 1-7. Licensure required; renewal.

20 (a) It is unlawful for any person to practice, or to hold
21 himself or herself out to be a cosmetologist, esthetician, nail
22 technician, or barber without a license as a cosmetologist,
23 esthetician, nail technician, or barber issued by the
24 Department of Professional Regulation pursuant to the
25 provisions of this Act and of the Civil Administrative Code of
26 Illinois. It is also unlawful for any person, firm,
27 partnership, or corporation to own, operate, or conduct a
28 cosmetology, esthetics, nail technology, or barber school
29 without a license issued by the Department or to own or operate
30 a cosmetology, esthetics, or nail technology salon or barber
31 shop without a certificate of registration issued by the
32 Department. It is further unlawful for any person to teach in
33 any cosmetology, esthetics, nail technology, or barber college

1 or school approved by the Department or hold himself or herself
2 out as a cosmetology, esthetics, nail technology, or barber
3 teacher without a license as a teacher, issued by the
4 Department or as a cosmetology, esthetics, or nail technology
5 clinic teacher without a license as a clinic teacher issued by
6 the Department.

7 (b) Notwithstanding any other provision of this Act, a
8 person licensed as a cosmetologist ~~or barber~~ may hold himself
9 or herself out as an esthetician and may engage in the practice
10 of esthetics, as defined in this Act, without being licensed as
11 an esthetician. A person licensed as a cosmetology teacher ~~or~~
12 ~~barber teacher~~ may teach esthetics or hold himself or herself
13 out as an esthetics teacher without being licensed as an
14 esthetics teacher. A person licensed as a cosmetologist may
15 hold himself or herself out as a nail technician and may engage
16 in the practice of nail technology, as defined in this Act,
17 without being licensed as a nail technician. A person licensed
18 as a cosmetology teacher may teach nail technology and hold
19 himself or herself out as a nail technology teacher without
20 being licensed as a nail technology teacher.

21 (c) A person licensed as a barber teacher may hold himself
22 or herself out as a barber and may practice barbering without a
23 license as a barber. A person licensed as a cosmetology teacher
24 may hold himself or herself out as a cosmetologist,
25 esthetician, and nail technologist and may practice
26 cosmetology, esthetics, and nail technology without a license
27 as a cosmetologist, esthetician, or nail technologist. A person
28 licensed as an esthetics teacher may hold himself or herself
29 out as an esthetician without being licensed as an esthetician
30 and may practice esthetics. A person licensed as a nail
31 technician teacher may practice nail technology and may hold
32 himself or herself out as a nail technologist without being
33 licensed as a nail technologist.

34 (d) The holder of a license issued under this Act may renew

1 that license during the month preceding the expiration date of
2 the license by paying the required fee.

3 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

4 (225 ILCS 410/2-1) (from Ch. 111, par. 1702-1)

5 (Section scheduled to be repealed on January 1, 2006)

6 Sec. 2-1. Barbering defined. Any one or any combination of
7 the following practices constitutes the practice of barbering:

8 To shave or trim the beard or cut the hair; to style,
9 arrange, dress, curl, wave, straighten, clean, singe, epilate,
10 depilate, shampoo, marcel, chemically restructure, bleach,
11 tint, color or similarly work upon the hair or cranial
12 prosthesis of any person; to give relaxing facial or scalp
13 massage or treatments with oils, creams or other preparations
14 either by hand or by mechanical appliances. Nothing in this Act
15 shall be construed to prohibit the shampooing of hair by
16 persons employed for that purpose and who perform such task
17 under the direct supervision of a licensed barber.

18 (Source: P.A. 89-387, eff. 1-1-96.)

19 (225 ILCS 410/2-7) (from Ch. 111, par. 1702-7)

20 (Section scheduled to be repealed on January 1, 2006)

21 Sec. 2-7. Examination of applicants. The Department shall
22 hold examinations of applicants for licensure as barbers and
23 teachers of barbering at such times and places as it may
24 determine. Upon request, the examinations shall be
25 administered in Spanish.

26 Each applicant shall be given a written examination testing
27 both theoretical and practical knowledge of the following
28 subjects insofar as they are related and applicable to the
29 practice of barber science and art: (1) anatomy, (2)
30 physiology, (3) skin diseases, (4) hygiene and sanitation, (5)
31 barber history, (6) barber law, (7) hair cutting and styling,
32 (8) shaving, shampooing, and permanent waving, (9) massaging,

1 (10) bleaching, tinting, and coloring, and (11) implements.

2 The examination of applicants for licensure ~~registration~~
3 as a barber teacher shall include: (a) practice of barbering
4 and styling, (b) theory of barbering, (c) methods of teaching,
5 and (d) school management.

6 This Act does not prohibit the practice as a barber or
7 barber teacher by one who has applied in writing to the
8 Department, in form and substance satisfactory to the
9 Department, for a license and has complied with all the
10 provisions of this Act in order to qualify for a license except
11 the passing of an examination, until: (a) the expiration of 6
12 months after the filing of such written application, or (b) the
13 decision of the Department that the applicant has failed to
14 pass an examination within 6 months or failed without an
15 approved excuse to take an examination conducted within 6
16 months by the Department, or (c) the withdrawal of the
17 application.

18 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97.)

19 (225 ILCS 410/2A-7)

20 (Section scheduled to be repealed on January 1, 2006)

21 Sec. 2A-7. Requirements for licensure as barber school. No
22 ~~A~~ person, firm, or corporation may ~~not~~ own, operate or conduct
23 a school or college of barbering for the purpose of teaching
24 barbering for compensation without filing an application with
25 the Department on forms provided by the Department, paying the
26 required fees, and complying with the following requirements:

27 1. The applicant must submit to the Department for
28 approval:

29 a. A floor plan, drawn to a scale specified on the
30 floor plan, showing every detail of the proposed
31 school; and

32 b. A lease commitment or proof of ownership for the
33 location of the proposed school; a lease commitment

1 must provide for execution of the lease upon the
2 Department's approval of the school's application and
3 the lease must be for a period of at least one year.~~†~~
4 and

5 c. (Blank). ~~A written inspection report made by the~~
6 ~~State Fire Marshal approving the use of the proposed~~
7 ~~premises as a barbering school.~~

8 2. An application to own or operate a school shall
9 include the following:

10 a. If the owner is a corporation, a copy of the
11 Articles of Incorporation;

12 b. If the owner is a partnership, a listing of all
13 partners and their current addresses;

14 c. If the applicant is an owner, a completed
15 financial statement showing the owner's ability to
16 operate the school for at least 3 months;

17 d. A copy of the official enrollment agreement or
18 student contract to be used by the school, which shall
19 be consistent with the requirements of this Act;

20 e. A listing of all teachers who will be in the
21 school's employ, including their teacher license
22 numbers;

23 f. A copy of the curricula that will be followed;

24 g. The names, addresses, and current status of all
25 schools in which the applicant has previously owned any
26 interest, and a declaration as to whether any of these
27 schools were ever denied accreditation or licensing or
28 lost accreditation or licensing from any governmental
29 body or accrediting agency;

30 h. Each application for a certificate of approval
31 shall be signed and certified under oath by the
32 school's chief managing employee and also by its
33 individual owner or owners; if the applicant is a
34 partnership or a corporation, then the application

1 shall be signed and certified under oath by the
2 school's chief managing employee and also by each
3 member of the partnership or each officer of the
4 corporation, as the case may be;

5 i. A copy of the school's official transcript; and

6 j. The required fee. ~~The applicant must submit a~~
7 ~~certified financial statement prepared by a licensed~~
8 ~~public accountant who is not an employee of the school,~~
9 ~~indicating sufficient finances to guarantee operation~~
10 ~~for one full year.~~

11 3. Each application for a license to operate a school
12 shall also contain the following commitments:

13 a. To conduct the school in accordance with this
14 Act and the standards and rules from time to time
15 adopted under this Act and to meet standards and
16 requirements at least as stringent as those required by
17 Part H of the federal Higher Education Act of 1965.

18 b. To permit the Department to inspect the school
19 or classes thereof from time to time with or without
20 notice; and to make available to the Department, at any
21 time when required to do so, information including
22 financial information pertaining to the activities of
23 the school required for the administration of this Act
24 and the standards and rules adopted under this Act;

25 c. To utilize only advertising and solicitation
26 that is free from misrepresentation, deception, fraud,
27 or other misleading or unfair trade practices;

28 d. To screen applicants to the school prior to
29 enrollment pursuant to the requirements of the
30 school's regional or national accrediting agency, if
31 any, and to maintain any and all records of such
32 screening; if the course of instruction is offered in a
33 language other than English, the screening shall also
34 be performed in that language;

1 e. To post in a conspicuous place a statement,
2 developed by the Department, of student's rights
3 provided under this Act. ~~The proposed barber school or~~
4 ~~college shall have a minimum of one theory or~~
5 ~~demonstration room, one workroom, and 2 toilet~~
6 ~~facilities.~~

7 ~~The minimum equipment in the workroom shall be 20~~
8 ~~barber chairs, one cabinet and one wet sterilizer for each~~
9 ~~barber chair, four shampoo basins complete with shampoo~~
10 ~~spray, one electric vibrator for each 10 barber chairs, and~~
11 ~~one scalp treatment high frequency electricity apparatus~~
12 ~~for each 10 barber chairs.~~

13 ~~The municipality in which the proposed new barber~~
14 ~~school is to be located shall be large enough to support~~
15 ~~the proposed barber school to the degree that the students~~
16 ~~who might be enrolled in the proposed barber school would~~
17 ~~be assured of sufficient practice to enable them to become~~
18 ~~competent workers.~~

19 ~~It shall be a requirement for maintaining and renewing~~
20 ~~a barber school license that the school or college of~~
21 ~~barbering actually provide instruction and teaching, as~~
22 ~~well as maintain the equipment required by this Section. If~~
23 ~~a barber school ceases operation for any reason, the~~
24 ~~Department shall place the school's license on inoperative~~
25 ~~status, without hearing, for a period of up to one year~~
26 ~~from the date that the school ceases operation. A barber~~
27 ~~school license on inoperative status may be restored by the~~
28 ~~Department upon resumption of operation in accordance with~~
29 ~~the requirements of this Act. A license on inoperative~~
30 ~~status may not be renewed.~~

31 ~~A barber school license that remains on inoperative~~
32 ~~status for a period of one year shall automatically,~~
33 ~~without hearing, be cancelled. A cancelled license may not~~
34 ~~be renewed or restored. A person, firm, or corporation~~

1 ~~whose license has been cancelled and who wishes to own,~~
2 ~~operate, or conduct a school or college of barbering for~~
3 ~~the purpose of teaching barbering for compensation must~~
4 ~~apply for a new license.~~

5 4. The applicant shall establish to the satisfaction of
6 the Department that the owner possesses sufficient liquid
7 assets to meet the prospective expenses of the school for a
8 period of 3 months. In the discretion of the Department,
9 additional proof of financial ability may be required. ~~The~~
10 ~~proposed barber school or college shall have a curriculum~~
11 ~~that includes each of the following subjects: the~~
12 ~~preparation and care of barber implements, the art of~~
13 ~~haircutting, styling, shaving, beard trimming and~~
14 ~~shampooing, facial and scalp massaging and treatments~~
15 ~~either by hand or mechanical appliances, hair tinting,~~
16 ~~coloring, and bleaching, permanent waving, barber anatomy,~~
17 ~~physiology, bacteriology, sanitation, barber history,~~
18 ~~Illinois barber law, electricity and light rays, and a~~
19 ~~course dealing with the common diseases of the skin and~~
20 ~~methods to avoid the aggravation and spreading thereof in~~
21 ~~the practice of barbering.~~

22 ~~In a 1500 hour barber course all students shall receive~~
23 ~~a minimum of 150 hours of lectures, demonstrations, or~~
24 ~~discussions. The remaining 1350 hours shall be devoted to~~
25 ~~practical application of the student's skill in the~~
26 ~~workroom, or to additional theory or other classwork, at~~
27 ~~the discretion of the instructor.~~

28 5. The applicant shall comply with all rules of the
29 Department determining the necessary curriculum and
30 equipment required for the conduct of the school. ~~The~~
31 ~~school shall comply with all rules of the Department~~
32 ~~establishing the necessary curriculum and equipment~~
33 ~~required for the conduct of such school.~~

34 6. The applicant must demonstrate employment of a

1 sufficient number of qualified teachers who are holders of
2 a current license issued by the Department. ~~The school~~
3 ~~shall employ a sufficient number of qualified teachers of~~
4 ~~barbering who are holders of a current license issued by~~
5 ~~the Department, which staff is adequate only if the ratio~~
6 ~~of students to teachers does not exceed 25 students for~~
7 ~~each barber teacher.~~

8 7. A final inspection of the barber school shall be
9 made by the Department before the school may commence
10 classes. ~~A final inspection of the barber school shall be~~
11 ~~made by the Department before the school may commence~~
12 ~~classes. The inspection shall include a determination of~~
13 ~~whether:~~

14 ~~a. All of the requirements of paragraph 1 of this~~
15 ~~Section have been met.~~

16 ~~b. The school is in compliance with all rules of~~
17 ~~the Department established for the purpose of~~
18 ~~determining the necessary curriculum and equipment~~
19 ~~required for the school.~~

20 ~~c. A sufficient number of qualified teachers of~~
21 ~~barbering who are holders of current licenses issued by~~
22 ~~the Department are employed.~~

23 8. A written inspection report must be made by a local
24 fire authority or the State Fire Marshal approving the use
25 of the proposed premises as a barber school.

26 ~~Upon meeting all of the above requirements, the Department~~
27 ~~may issue a license and the school may commence classes.~~

28 ~~No barber school may cease operation without first~~
29 ~~delivering its student records to a place of safekeeping in~~
30 ~~accordance with Department rule.~~

31 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97;
32 90-580, eff. 5-21-98.)

1 (Section scheduled to be repealed on January 1, 2006)

2 Sec. 3-1. Cosmetology defined. Any one or any combination
3 of the following practices constitutes the practice of
4 cosmetology when done for cosmetic or beautifying purposes and
5 not for the treatment of disease or of muscular or nervous
6 disorder: arranging, braiding, dressing, cutting, trimming,
7 curling, waving, chemical restructuring, shaping, singeing,
8 bleaching, coloring or similar work, upon the hair of the head
9 or any cranial prosthesis; cutting or trimming facial hair of
10 any person; any practice of manicuring, pedicuring, decorating
11 nails, applying sculptured nails or otherwise artificial nails
12 by hand or with mechanical or electrical apparatus or
13 appliances, or in any way caring for the nails or the skin of
14 the hands or feet including massaging the hands, arms, elbows,
15 feet, lower legs, and knees of another person for other than
16 the treatment of medical disorders; any practice of epilation
17 or depilation of any person; any practice for the purpose of
18 cleansing, massaging or toning the skin of the scalp;
19 beautifying, massaging, cleansing, exfoliating, or stimulating
20 the stratum corneum of the epidermis, ~~or stimulating the skin~~
21 ~~of the human body~~ by the use of cosmetic preparations,
22 ~~antiseptics,~~ body treatments, body wraps, the use of
23 hydrotherapy, ~~tonics, lotions or creams~~ or any device,
24 electrical, mechanical, or otherwise, ~~for the care of the skin;~~
25 applying make-up or eyelashes to any person or, ~~tinting~~
26 ~~eyelashes and eyebrows and~~ lightening hair on the body and
27 removing superfluous hair from the body of any person by the
28 use of depilatories, waxing or tweezers. The term "cosmetology"
29 does not include the services provided by an electrologist.
30 Nail technology is the practice and the study of cosmetology
31 only to the extent of manicuring, pedicuring, decorating, and
32 applying sculptured or otherwise artificial nails, or in any
33 way caring for the nail or the skin of the hands or feet
34 including massaging the hands, arms, elbows, feet, lower legs,

1 and knees. Cosmetologists are prohibited from using any
2 technique, product, or practice intended to affect the living
3 layers of the skin ~~performing any procedure that may puncture~~
4 ~~or abrade the skin below the stratum corneum of the epidermis~~
5 ~~or remove closed milia (whiteheads) which may draw blood or~~
6 ~~serous body fluid.~~ The term cosmetology includes rendering
7 advice on what is cosmetically appealing, but no person
8 licensed under this Act shall render advice on what is
9 appropriate medical treatment for diseases of the skin.
10 Purveyors of cosmetics may demonstrate such cosmetic products
11 in conjunction with any sales promotion and shall not be
12 required to hold a license under this Act. Nothing in this Act
13 shall be construed to prohibit the shampooing of hair by
14 persons employed for that purpose and who perform that task
15 under the direct supervision of a licensed cosmetologist or
16 licensed cosmetology teacher.

17 (Source: P.A. 91-863, eff. 7-1-00.)

18 (225 ILCS 410/3-2) (from Ch. 111, par. 1703-2)

19 (Section scheduled to be repealed on January 1, 2006)

20 Sec. 3-2. Licensure; qualifications.

21 (1) A person is qualified to receive a license as a
22 cosmetologist who has filed an application on forms provided by
23 the Department, pays the required fees, and:

24 a. Is at least 16 years of age; and

25 b. Is beyond the age of compulsory school attendance or
26 has received a certificate of graduation from a school
27 providing secondary education ~~Has graduated from an eighth~~
28 ~~grade elementary school,~~ or the recognized ~~its~~ equivalent
29 of that certificate; and

30 c. Has graduated from a school of cosmetology approved
31 by the Department, having completed a program of 1500 hours
32 in the study of cosmetology extending over a period of not
33 less than 8 months nor more than 7 consecutive years. A

1 school of cosmetology may, at its discretion, consistent
2 with the rules of the Department, accept up to 500 hours of
3 barber school training at a recognized barber school toward
4 the 1500 hour program requirement of cosmetology. Time
5 spent in such study under the laws of another state or
6 territory of the United States or of a foreign country or
7 province shall be credited toward the period of study
8 required by the provisions of this paragraph; and

9 d. Has passed an examination authorized by the
10 Department to determine eligibility ~~fitness~~ to receive a
11 license as a cosmetologist. ~~The requirements for remedial~~
12 ~~training set forth in Section 3-6 of this Act may be waived~~
13 ~~in whole or in part by the Department upon proof to the~~
14 ~~Department that the applicant has demonstrated competence~~
15 ~~to again sit for the examination. The Department shall~~
16 ~~promulgate rules establishing the standards by which such~~
17 ~~determination shall be made; and~~

18 e. Has met any other requirements of this Act.

19 (2) (Blank). ~~If the applicant applies for a license as a~~
20 ~~cosmetologist on September 1, 2000 or September 2, 2000, the~~
21 ~~Department may accept a verified 10 years of cosmetology~~
22 ~~experience, which may include esthetics or nail technology~~
23 ~~experience, before July 1, 2000 in lieu of the requirements in~~
24 ~~items c and d of subsection (1) of this Section.~~

25 (Source: P.A. 93-253, eff. 7-22-03.)

26 (225 ILCS 410/3-4) (from Ch. 111, par. 1703-4)

27 (Section scheduled to be repealed on January 1, 2006)

28 Sec. 3-4. Licensure as cosmetology teacher or cosmetology
29 clinic teacher; qualifications.

30 (a) A person is qualified to receive license as a
31 cosmetology teacher if that person has applied in writing on
32 forms provided by the Department, has paid the required fees,
33 and:

- 1 (1) is at least 18 years of age;
- 2 (2) has graduated from high school or its equivalent;
- 3 (3) has a current license as a cosmetologist;
- 4 (4) has either: (i) completed a program of 500 hours of
5 teacher training in a licensed school of cosmetology and
6 had 2 years of practical experience as a licensed
7 cosmetologist within 5 years preceding the examination; or
8 (ii) completed a program of 1,000 hours of teacher training
9 in a licensed school of cosmetology;
- 10 (5) has passed an examination authorized by the
11 Department to determine eligibility ~~fitness~~ to receive a
12 license as a cosmetology teacher; and
- 13 (6) has met any other requirements of this Act.

14 ~~A cosmetology teacher who teaches esthetics, in order to be~~
15 ~~licensed, shall demonstrate, to the satisfaction of the~~
16 ~~Department, current skills in the use of machines used in the~~
17 ~~practice of esthetics.~~

18 An individual who receives a license as a cosmetology
19 teacher shall not be required to maintain an active cosmetology
20 license in order to practice cosmetology as defined in this
21 Act.

22 (b) A person is qualified to receive a license as a
23 cosmetology clinic teacher if he or she has applied in writing
24 on forms provided by the Department, has paid the required
25 fees, and:

- 26 (1) is at least 18 years of age;
- 27 (2) has graduated from high school or its equivalent;
- 28 (3) has a current license as a cosmetologist;
- 29 (4) has (i) completed a program of 250 hours of clinic
30 teacher training in a licensed school of cosmetology or
31 (ii) within 5 years preceding the examination, and has
32 obtained a minimum of 2 years of practical experience
33 working at least 30 full-time hours per week as a licensed
34 cosmetologist and has completed an instructor's institute

1 of 20 hours, as prescribed by the Department, prior to
2 submitting an application for examination ~~within 5 years~~
3 ~~preceding the examination;~~

4 (5) has passed an examination authorized by the
5 Department to determine eligibility ~~fitness~~ to receive a
6 license as a cosmetology teacher; and

7 (6) has met any other requirements of this Act.

8 The Department shall not issue any new cosmetology clinic
9 teacher licenses after January 1, 2009. Any person issued a
10 license as a cosmetology clinic teacher before January 1, 2009,
11 may renew the license after that date under this Act and that
12 person may continue to renew the license or have the license
13 restored during his or her lifetime, subject only to the
14 renewal or restoration requirements for the license under this
15 Act; however, such licensee and license shall remain subject to
16 the provisions of this Act, including, but not limited to,
17 provisions concerning renewal, restoration, fees, continuing
18 education, discipline, administration, and enforcement.

19 (Source: P.A. 90-302, eff. 8-1-97; 91-357, eff. 7-29-99;
20 91-863, eff. 7-1-00.)

21 (225 ILCS 410/3-6) (from Ch. 111, par. 1703-6)

22 (Section scheduled to be repealed on January 1, 2006)

23 Sec. 3-6. Examination. The Department shall authorize
24 examinations of applicants for licensure as cosmetologists
25 and teachers of cosmetology at the times and places it may
26 determine. If an applicant for licensure as a cosmetologist
27 fails to pass 3 examinations conducted by the Department, the
28 applicant shall, before taking a subsequent examination,
29 furnish evidence of not less than 250 hours of additional study
30 of cosmetology in an approved school of cosmetology since the
31 applicant last took the examination. If an applicant for
32 licensure as a cosmetology teacher fails to pass 3 examinations
33 conducted by the Department, the applicant shall, before taking

1 a subsequent examination, furnish evidence of not less than 80
2 hours of additional study in teaching methodology and
3 educational psychology in an approved school of cosmetology
4 since the applicant last took the examination. An applicant who
5 fails to pass the fourth examination shall not again be
6 admitted to an examination unless: (i) in the case of an
7 applicant for licensure as a cosmetologist, the applicant again
8 takes and completes a program of 1500 hours in the study of
9 cosmetology in an approved school of cosmetology extending over
10 a period that commences after the applicant fails to pass the
11 fourth examination and that is not less than 8 months nor more
12 than 7 consecutive years in duration; (ii) in the case of an
13 applicant for licensure as a cosmetology teacher, the applicant
14 again takes and completes a program of 1000 hours of teacher
15 training in an approved school of cosmetology, except that if
16 the applicant had 2 years of practical experience as a licensed
17 cosmetologist within the 5 years preceding the initial
18 examination taken by the applicant, the applicant must again
19 take and complete a program of 500 hours of teacher training in
20 an approved school of cosmetology, esthetics, or nail
21 technology; or (iii) in the case of an applicant for licensure
22 as a cosmetology clinic teacher, the applicant again takes and
23 completes a program of 250 hours of clinic teacher training in
24 a licensed school of cosmetology or an instructor's institute
25 of 20 hours. The requirements for remedial training set forth
26 in this Section may be waived in whole or in part by the
27 Department upon proof to the Department that the applicant has
28 demonstrated competence to again sit for the examination. The
29 Department shall adopt rules establishing the standards by
30 which this determination shall be made. Each cosmetology
31 applicant shall be given a written examination testing both
32 theoretical and practical knowledge, which shall include, but
33 not be limited to, questions that determine the applicant's
34 knowledge of product chemistry, sanitary rules, sanitary

1 procedures, chemical service procedures, hazardous chemicals
2 and exposure minimization, knowledge of the anatomy of the
3 skin, scalp, ~~and hair,~~ and nails as they relate to applicable
4 services under this Act and labor and compensation laws.

5 The examination of applicants for licensure as a
6 cosmetology, esthetics, or nail technology teacher may include
7 all of the elements of the exam for licensure as a
8 cosmetologist, esthetician, or nail technician and also
9 include teaching methodology, classroom management, record
10 keeping, and any other related subjects that the Department in
11 its discretion may deem necessary to insure competent
12 performance.

13 This Act does not prohibit the practice of cosmetology by
14 one who has applied in writing to the Department, in form and
15 substance satisfactory to the Department, for a license as a
16 cosmetologist, or the teaching of cosmetology by one who has
17 applied in writing to the Department, in form and substance
18 satisfactory to the Department, for a license as a cosmetology
19 teacher or cosmetology clinic teacher, if the person has
20 complied with all the provisions of this Act in order to
21 qualify for a license, except the passing of an examination to
22 be eligible to receive a license, until: (a) the expiration of
23 6 months after the filing of the written application, (b) the
24 decision of the Department that the applicant has failed to
25 pass an examination within 6 months or failed without an
26 approved excuse to take an examination conducted within 6
27 months by the Department, or (c) the withdrawal of the
28 application.

29 ~~A person who took the September 10, 1994 cosmetology~~
30 ~~licensure examination for the sixth time and failed the~~
31 ~~examination and failed to request a reader based upon a~~
32 ~~documented learning disability may reapply for the examination~~
33 ~~within 6 months of the effective date of this amendatory Act of~~
34 ~~the 91st General Assembly without having to complete the~~

1 ~~additional 1,500 hours of instruction required under this Act.~~

2 (Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

3 (225 ILCS 410/3-7) (from Ch. 111, par. 1703-7)

4 (Section scheduled to be repealed on January 1, 2006)

5 Sec. 3-7. Licensure; renewal; continuing education;
6 military service. The holder of a license issued under this
7 Article III may renew that license during the month preceding
8 the expiration date thereof by paying the required fee, giving
9 such evidence as the Department may prescribe of completing not
10 less than 14 hours of continuing education for a cosmetologist,
11 and 24 hours of continuing education for a cosmetology teacher
12 or cosmetology clinic teacher, within the 2 years prior to
13 renewal. The training shall be in subjects approved by the
14 Department as prescribed by rule upon recommendation of the
15 Committee.

16 A license that has been expired for more than 5 years may
17 be restored by payment of the restoration fee and submitting
18 evidence satisfactory to the Department of the current
19 qualifications and fitness of the licensee, which shall include
20 completion of continuing education hours for the period
21 subsequent to expiration.

22 The Department shall establish by rule a means for the
23 verification of completion of the continuing education
24 required by this Section. This verification may be accomplished
25 through audits of records maintained by registrants, by
26 requiring the filing of continuing education certificates with
27 the Department, or by other means established by the
28 Department. ~~The Department may select a qualified organization
29 that has no direct business relationship with a licensee,
30 licensed entity or a subsidiary of a licensed entity under this
31 Act to maintain and verify records relating to continuing
32 education.~~

33 A license issued under the provisions of this Act that has

1 expired while the holder of the license was engaged (1) in
2 federal service on active duty with the Army of the United
3 States, the United States Navy, the Marine Corps, the Air
4 Force, the Coast Guard, or any Women's Auxiliary thereof, or
5 the State Militia called into the service or training of the
6 United States of America, or (2) in training or education under
7 the supervision of the United States preliminary to induction
8 into the military service, may be reinstated or restored
9 without the payment of any lapsed renewal fees, reinstatement
10 fee, or restoration fee if within 2 years after the termination
11 of such service, training, or education other than by
12 dishonorable discharge, the holder furnishes the Department
13 with an affidavit to the effect that he or she has been so
14 engaged and that his or her service, training, or education has
15 been so terminated.

16 The Department, in its discretion, may waive enforcement of
17 the continuing education requirement in this Section and shall
18 adopt rules defining the standards and criteria for that waiver
19 under the following circumstances:

20 (a) the licensee resides in a locality where it is
21 demonstrated that the absence of opportunities for such
22 education would interfere with the ability of the licensee
23 to provide service to the public;

24 (b) that to comply with the continuing education
25 requirements would cause a substantial financial hardship
26 on the licensee;

27 (c) that the licensee is serving in the United States
28 Armed Forces; or

29 (d) that the licensee is incapacitated due to illness.

30 The continuing education requirements of this Section do
31 not apply to a licensee who (i) is at least 62 years of age
32 ~~before January 1, 1999~~ or (ii) has been licensed as a
33 cosmetologist, cosmetology teacher, or cosmetology clinic
34 teacher for at least 25 years ~~and does not regularly work as a~~

1 ~~cosmetologist, cosmetology teacher, or cosmetology clinic~~
2 ~~teacher for more than 14 hours per week.~~

3 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97;
4 90-302, eff. 8-1-97; 90-602, eff. 1-1-99.)

5 (225 ILCS 410/3A-1) (from Ch. 111, par. 1703A-1)

6 (Section scheduled to be repealed on January 1, 2006)

7 Sec. 3A-1. Esthetics ~~and esthetician~~ defined.

8 (A) Any one or combination of person who for compensation,
9 ~~whether direct or indirect, including tips, engages in~~ the
10 following practices, when done for cosmetic or beautifying
11 purposes and not for the treatment of disease or of a muscular
12 or nervous disorder, constitutes ~~engages in~~ the practice of
13 esthetics:

14 1. Beautifying, massaging, cleansing, exfoliating, or
15 stimulating the stratum corneum of the epidermis ~~or~~
16 ~~stimulating the skin of the human body, except the scalp,~~
17 by the use of cosmetic preparations, body treatments, body
18 wraps, ~~the use of hydrotherapy, antiseptics, tonics,~~
19 ~~lotions or creams~~ or any device, electrical, mechanical, or
20 otherwise, for the care of the skin;

21 2. Applying make-up or eyelashes to any person or,
22 ~~tinting eyelashes and eyebrows and~~ lightening hair on the
23 body except the scalp; and

24 3. Removing superfluous hair from the body of any
25 person ~~by the use of depilatories, waxing or tweezers.~~

26 However, esthetics does not include the services provided
27 by a cosmetologist or electrologist. Estheticians are
28 prohibited from using techniques, products, and practices
29 intended to affect the living layers of the skin ~~performing any~~
30 ~~procedure which may puncture or abrade the skin below the~~
31 ~~stratum corneum of the epidermis or remove closed milia~~
32 ~~(whiteheads) which may draw blood or serous body fluid.~~ The
33 term esthetics includes rendering advice on what is

1 cosmetically appealing, but no person licensed under this Act
2 shall render advice on what is appropriate medical treatment
3 for diseases of the skin.

4 (B) "Esthetician" means any person who, with hands or
5 mechanical or electrical apparatus or appliances, engages only
6 in the use of cosmetic preparations, body treatments, body
7 wraps, hydrotherapy, makeups, antiseptics, tonics, lotions,
8 creams or other preparations or in the practice of massaging,
9 cleansing, exfoliating the stratum corneum of the epidermis,
10 stimulating, manipulating, beautifying, grooming or similar
11 work on the face, neck, arms and hands or body in a superficial
12 mode, and not for the treatment of medical disorders.

13 (Source: P.A. 91-863, eff. 7-1-00.)

14 (225 ILCS 410/3A-3) (from Ch. 111, par. 1703A-3)

15 (Section scheduled to be repealed on January 1, 2006)

16 Sec. 3A-3. Licensure as an esthetics teacher;
17 qualifications.

18 (a) A person is qualified to receive a license as an
19 esthetics teacher if that person has applied in writing on
20 forms supplied by the Department, paid the required fees, and:

21 (1) is at least 18 years of age;

22 (2) has graduated from high school or its equivalent;

23 (3) has a current license as a licensed cosmetologist
24 or esthetician;

25 (4) has either: (i) completed a program of 500 hours of
26 teacher training in a licensed school of cosmetology or a
27 licensed esthetics school and had 2 years of practical
28 experience as a licensed cosmetologist or esthetician
29 within 5 years preceding the examination; or (ii) completed
30 a program of 750 hours of teacher training in a licensed
31 school of cosmetology approved by the Department to teach
32 esthetics or a licensed esthetics school;

33 (5) has passed an examination authorized by the

1 Department to determine eligibility ~~fitness~~ to receive a
2 license as a licensed cosmetology or esthetics teacher;

3 (6) (blank); and ~~demonstrates, to the satisfaction of~~
4 ~~the Department, current skills in the use of machines used~~
5 ~~in the practice of esthetics; and~~

6 (7) has met any other requirements as required by this
7 Act.

8 (b) A person is qualified to receive a license as an
9 esthetics clinic teacher if that person has applied in writing
10 on forms supplied by the Department, paid the required fees,
11 and:

12 (1) is at least 18 years of age;

13 (2) has graduated from high school or its equivalent;

14 (3) has a current license as a licensed cosmetologist
15 or esthetician;

16 (4) has (i) completed a program of 250 hours of clinic
17 teacher training in a licensed school of cosmetology
18 approved by the Department to teach esthetics or a licensed
19 esthetics school or (ii) within 5 years preceding the
20 examination, has obtained a minimum of ~~and had~~ 2 years of
21 practical experience working at least 30 full-time hours
22 per week as a licensed cosmetologist or esthetician and has
23 completed an instructor's institute of 20 hours, as
24 prescribed by the Department, prior to submitting an
25 application for examination ~~within 5 years preceding the~~
26 ~~examination;~~

27 (5) has passed an examination authorized by the
28 Department to determine eligibility ~~fitness~~ to receive a
29 license as a licensed cosmetology teacher or licensed
30 esthetics teacher;

31 (6) (blank); ~~demonstrates, to the satisfaction of the~~
32 ~~Department, current skills in the use of machines used in~~
33 ~~the practice of esthetics; and~~

34 (7) has met any other requirements required by this

1 Act.

2 The Department shall not issue any new esthetics clinic
3 teacher licenses after January 1, 2009. Any person issued a
4 license as an esthetics clinic teacher before January 1, 2009,
5 may renew the license after that date under this Act and that
6 person may continue to renew the license or have the license
7 restored during his or her lifetime, subject only to the
8 renewal or restoration requirements for the license under this
9 Act; however, such licensee and license shall remain subject to
10 the provisions of this Act, including, but not limited to,
11 provisions concerning renewal, restoration, fees, continuing
12 education, discipline, administration, and enforcement.

13 (c) An applicant who is issued a license as an esthetics
14 teacher or esthetics clinic teacher is not required to maintain
15 an esthetics license in order to practice as an esthetician as
16 defined in this Act.

17 (Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

18 (225 ILCS 410/3A-5) (from Ch. 111, par. 1703A-5)

19 (Section scheduled to be repealed on January 1, 2006)

20 Sec. 3A-5. Examination.

21 (a) The Department shall authorize examinations of
22 applicants for a license as an esthetician or teacher of
23 esthetics at such times and places as it may determine. The
24 Department shall authorize no fewer than 4 examinations for a
25 license as an esthetician or a teacher of esthetics in a
26 calendar year.

27 If an applicant neglects, fails without an approved excuse,
28 or refuses to take the next available examination offered for
29 licensure under this Act, the fee paid by the applicant shall
30 be forfeited to the Department and the application denied. If
31 an applicant fails to pass an examination for licensure under
32 this Act within 3 years after filing his or her application,
33 the application shall be denied. However, such applicant may

1 thereafter make a new application for examination, accompanied
2 by the required fee, if he or she meets the requirements in
3 effect at the time of reapplication. If an applicant for
4 licensure as an esthetician is unsuccessful at 3 examinations
5 conducted by the Department, the applicant shall, before taking
6 a subsequent examination, furnish evidence of not less than 125
7 hours of additional study of esthetics in an approved school of
8 cosmetology or esthetics since the applicant last took the
9 examination. If an applicant for licensure as an esthetics
10 teacher or esthetics clinic teacher is unsuccessful at 3
11 examinations conducted by the Department, the applicant shall,
12 before taking a subsequent examination, furnish evidence of not
13 less than 80 hours of additional study in teaching methodology
14 and educational psychology in a licensed school of cosmetology
15 or esthetics since the applicant last took the examination. An
16 applicant who fails to pass a fourth examination shall not
17 again be admitted to an examination unless (i) in the case of
18 an applicant for licensure as an esthetician, the applicant
19 shall again take and complete a program of 750 hours in the
20 study of esthetics in a licensed school of cosmetology approved
21 to teach esthetics or a school of esthetics, extending over a
22 period that commences after the applicant fails to pass the
23 fourth examination and that is not less than 18 weeks nor more
24 than 4 consecutive years in duration; (ii) in the case of an
25 applicant for a license as an esthetics teacher, the applicant
26 shall again take and complete a program of 750 hours of teacher
27 training in a school of cosmetology approved to teach esthetics
28 or a school of esthetics, except that if the applicant had 2
29 years of practical experience as a licensed cosmetologist or
30 esthetician within 5 years preceding the initial examination
31 taken by the applicant, the applicant must again take and
32 complete a program of 500 hours of teacher training in licensed
33 cosmetology or a licensed esthetics school; or (iii) in the
34 case of an applicant for a license as an esthetics clinic

1 teacher, the applicant shall again take and complete a program
2 of 250 hours of clinic teacher training in a licensed school of
3 cosmetology or a licensed school of esthetics.

4 (b) Each applicant shall be given a written examination
5 testing both theoretical and practical knowledge which shall
6 include, but not be limited to, questions that determine the
7 applicant's knowledge, as provided by rule. ~~of:~~

8 ~~(1) product chemistry;~~

9 ~~(2) sanitary rules and regulations;~~

10 ~~(3) sanitary procedures;~~

11 ~~(4) chemical service procedures;~~

12 ~~(5) knowledge of the anatomy of the skin, as it relates~~
13 ~~to applicable services under this Act;~~

14 ~~(6) the provisions and requirements of this Act; and~~

15 ~~(7) labor and compensation laws.~~

16 (c) The examination of applicants for licensure as an
17 esthetics teacher ~~may include all of the above and may also~~
18 include:

19 (1) teaching methodology;

20 (2) classroom management; and

21 (3) record keeping and any other subjects that the
22 Department may deem necessary to insure competent
23 performance.

24 (d) This Act does not prohibit the practice of esthetics by
25 one who has applied in writing to the Department, in form and
26 substance satisfactory to the Department, for a license as an
27 esthetician, an esthetics teacher, or an esthetics clinic
28 teacher and has complied with all the provisions of this Act in
29 order to qualify for a license, except the passing of an
30 examination to be eligible to receive such license certificate,
31 until: (i) the expiration of 6 months after the filing of such
32 written application, or (ii) the decision of the Department
33 that the applicant has failed to pass an examination within 6
34 months or failed without an approved excuse to take an

1 examination conducted within 6 months by the Department, or
2 (iii) the withdrawal of the application.

3 (Source: P.A. 90-302, eff. 8-1-97; 91-357, eff. 7-29-99;
4 91-863, eff. 7-1-00.)

5 (225 ILCS 410/3B-10)

6 (Section scheduled to be repealed on January 1, 2006)

7 Sec. 3B-10. Requisites for ownership or operation of
8 school. No person, firm, or corporation may own, operate, or
9 conduct a school of cosmetology, esthetics, or nail technology
10 for the purpose of teaching cosmetology, esthetics, or nail
11 technology for compensation without applying on forms provided
12 by the Department, paying the required fees, and complying with
13 the following requirements:

14 1. The applicant must submit to the Department for
15 approval:

16 a. A floor plan, drawn to a scale specified on the
17 floor plan, showing every detail of the proposed
18 school; and

19 b. A lease commitment or proof of ownership for the
20 location of the proposed school; a lease commitment
21 must provide for execution of the lease upon the
22 Department's approval of the school's application and
23 the lease must be for a period of at least one year. ~~†~~
24 ~~and~~

25 c. (Blank). ~~A written inspection report made by the~~
26 ~~State Fire Marshal approving the use of the proposed~~
27 ~~premises as a cosmetology, esthetics, or nail~~
28 ~~technology school.~~

29 2. An application to own or operate a school shall
30 include the following:

31 a. If the owner is a corporation, a copy of the
32 Articles of Incorporation;

33 b. If the owner is a partnership, a listing of all

1 partners and their current addresses;

2 c. If the applicant is an owner, a completed
3 financial statement showing the owner's ability to
4 operate the school for at least 3 months;

5 d. A copy of the official enrollment agreement or
6 student contract to be used by the school, which shall
7 be consistent with the requirements of this Act;

8 e. A listing of all teachers who will be in the
9 school's employ, including their teacher license
10 numbers;

11 f. A copy of the curricula that will be followed;

12 g. The names, addresses, and current status of all
13 schools in which the applicant has previously owned any
14 interest, and a declaration as to whether any of these
15 schools were ever denied accreditation or licensing or
16 lost accreditation or licensing from any governmental
17 body or accrediting agency;

18 h. Each application for a certificate of approval
19 shall be signed and certified under oath by the
20 school's chief managing employee and also by its
21 individual owner or owners; if the applicant is a
22 partnership or a corporation, then the application
23 shall be signed and certified under oath by the
24 school's chief managing employee and also by each
25 member of the partnership or each officer of the
26 corporation, as the case may be;

27 i. A copy of the school's official transcript; and

28 j. The required fee.

29 3. Each application for a license to operate a school
30 shall also contain the following commitments:

31 a. To conduct the school in accordance with this
32 Act and the standards, and rules from time to time
33 adopted under this Act and to meet standards and
34 requirements at least as stringent as those required by

1 Part H of the Federal Higher Education Act of 1965.

2 b. To permit the Department to inspect the school
3 or classes thereof from time to time with or without
4 notice; and to make available to the Department, at any
5 time when required to do so, information including
6 financial information pertaining to the activities of
7 the school required for the administration of this Act
8 and the standards and rules adopted under this Act;

9 c. To utilize only advertising and solicitation
10 which is free from misrepresentation, deception,
11 fraud, or other misleading or unfair trade practices;

12 d. To screen applicants to the school prior to
13 enrollment pursuant to the requirements of the
14 school's regional or national accrediting agency, if
15 any, and to maintain any and all records of such
16 screening. If the course of instruction is offered in a
17 language other than English, the screening shall also
18 be performed in that language;

19 e. To post in a conspicuous place a statement,
20 developed by the Department, of student's rights
21 provided under this Act.

22 4. The applicant shall establish to the satisfaction of
23 the Department that the owner possesses sufficient liquid
24 assets to meet the prospective expenses of the school for a
25 period of 3 months. In the discretion of the Department,
26 additional proof of financial ability may be required.

27 5. The applicant shall comply with all rules of the
28 Department determining the necessary curriculum and
29 equipment required for the conduct of the school.

30 6. The applicant must demonstrate employment of a
31 sufficient number of qualified teachers who are holders of
32 a current license issued by the Department.

33 7. A final inspection of the cosmetology, esthetics, or
34 nail technology school shall be made by the Department

1 before the school may commence classes.

2 8. A written inspection report must be made by the
3 State Fire Marshal or a local fire authority approving the
4 use of the proposed premises as a cosmetology, esthetics,
5 or nail technology school.

6 (Source: P.A. 89-387, eff. 1-1-96.)

7 (225 ILCS 410/3B-11)

8 (Section scheduled to be repealed on January 1, 2006)

9 Sec. 3B-11. Periodic review of cosmetology, esthetics and
10 nail technology schools. The Department shall review at least
11 biennially all approved schools and courses of instruction. The
12 biennial review shall include consideration of a comparison
13 between the graduation or completion rate for the school and
14 the graduation or completion rate for the schools within that
15 classification of schools. Consideration shall be given to
16 complaints and information forwarded to the Department by the
17 Federal Trade Commission, Better Business Bureaus, the
18 Illinois Attorney General's Office, a State's Attorney's
19 Office, other State or official approval agencies, local school
20 officials, and interested persons. The Department shall
21 investigate all ~~written~~ complaints filed with the Department
22 about a school or its sales representatives.

23 A school shall retain the records, as defined by rule, of a
24 student who withdraws from or drops out of the school, by
25 written notice of cancellation or otherwise, for any period
26 longer than 7 years from the student's first day of attendance.
27 However, a school shall retain indefinitely the transcript of
28 each student who completes the program and graduates from the
29 school.

30 (Source: P.A. 89-387, eff. 1-1-96; 89-626, eff. 8-9-96.)

31 (225 ILCS 410/3B-13)

32 (Section scheduled to be repealed on January 1, 2006)

1 Sec. 3B-13. Rules; refunds. Schools regulated under this
2 Section shall issue refunds based on the following schedule.
3 The refund policy shall provide that:

4 (1) Schools shall, when a student gives written notice of
5 cancellation, provide a refund in the amount of at least the
6 following:

7 (a) When notice of cancellation is given within 5 days
8 after the date of enrollment, all application and
9 registration fees, tuition, and any other charges shall be
10 refunded to the student.

11 (b) When notice of cancellation is given after the
12 fifth day following enrollment but before the completion of
13 the student's first day of class attendance, the school may
14 retain no more than the application and registration fee,
15 plus the cost of any books or materials which have been
16 provided by the school and retained by the student.

17 (c) When notice of cancellation is given after the
18 student's completion of the first day of class attendance
19 but prior to the student's completion of 5% of the course
20 of instruction, the school may retain the application and
21 registration fee and an amount not to exceed 10% of the
22 tuition and other instructional charges or \$300, whichever
23 is less, plus the cost of any books or materials which have
24 been provided by the school.

25 (d) When a student has completed 5% or more of the
26 course of instruction, the school may retain the
27 application and registration fee and the cost of any books
28 or materials which have been provided by the school but
29 shall refund a part of the tuition and other instructional
30 charges in accordance with the National Accrediting
31 Commission of Cosmetology Arts and Sciences and rules that
32 the Department shall promulgate for purposes of this
33 Section.

34 (2) Applicants not accepted by the school shall receive a

1 refund of all tuition and fees paid.

2 (3) Application and registration fees shall be chargeable
3 at initial enrollment and shall not exceed \$100.

4 (4) Deposits or down payments shall become part of the
5 tuition.

6 (5) The school shall mail a written acknowledgement of a
7 student's cancellation or written withdrawal to the student
8 within 15 calendar days of the date of notification. Written
9 acknowledgement is not necessary if a refund has been mailed to
10 the student within the 15 calendar days.

11 (6) If the school cancels or discontinues a course, the
12 student shall be entitled to receive from the school such
13 refund or partial refund of the tuition, fees, and other
14 charges paid by the student or on behalf of the student as is
15 provided under rules promulgated by the Department.

16 (7) Except as otherwise provided by this Act, all student
17 refunds shall be made by the school within 30 calendar days
18 from the date of notice of the student's cancellation.

19 (8) A student shall give notice of cancellation to the
20 school in writing. The unexplained absence of a student from a
21 school for more than 30 ~~15~~ consecutive calendar days shall
22 constitute constructive notice of cancellation to the school.
23 For purposes of cancellation, the cancellation date shall be
24 the last day of attendance.

25 (9) A school may make refunds which exceed those required
26 by this Section.

27 (10) Each student and former student shall be entitled to
28 receive from the school that the student attends or attended an
29 official transcript of all hours completed by the student at
30 that school for which the applicable tuition, fees, and other
31 charges have been paid, together with the grades earned by the
32 student for those hours, provided that a student who withdraws
33 from or drops out of a school, by written notice of
34 cancellation or otherwise, shall not be entitled to any

1 transcript of completed hours following the expiration of the
2 7-year period that began on the student's first day of
3 attendance at the school. A reasonable fee, not exceeding \$2,
4 may be charged by the school for each transcript after the
5 first free transcript that the school is required to provide to
6 a student or former student under this Section.

7 (Source: P.A. 89-387, eff. 1-1-96.)

8 (225 ILCS 410/3B-15)

9 (Section scheduled to be repealed on January 1, 2006)

10 Sec. 3B-15. Grounds for disciplinary action. In addition to
11 any other cause herein set forth the Department may refuse to
12 issue or renew and may suspend, place on probation, or revoke
13 any license to operate a school, or take any other action that
14 the Department may deem proper, including the imposition of
15 fines ~~civil penalties~~ not to exceed \$5,000 ~~\$1,000~~ for each
16 violation, for any one or any combination of the following
17 causes:

18 (1) Repeated violation of any provision of this Act or any
19 standard or rule established under this Act.

20 (2) Knowingly furnishing false, misleading, or incomplete
21 information to the Department or failure to furnish information
22 requested by the Department.

23 (3) Violation of any commitment made in an application for
24 a license, including failure to maintain standards that are the
25 same as, or substantially equivalent to, those represented in
26 the school's applications and advertising.

27 (4) Presenting to prospective students information
28 relating to the school, or to employment opportunities or
29 opportunities for enrollment in institutions of higher
30 learning after entering into or completing courses offered by
31 the school, that is false, misleading, or fraudulent.

32 (5) Failure to provide premises or equipment or to maintain
33 them in a safe and sanitary condition as required by law.

1 (6) Failure to maintain financial resources adequate for
2 the satisfactory conduct of the courses of instruction offered
3 or to retain a sufficient and qualified instructional and
4 administrative staff.

5 (7) Refusal to admit applicants on account of race, color,
6 creed, sex, physical or mental handicap unrelated to ability,
7 religion, or national origin.

8 (8) Paying a commission or valuable consideration to any
9 person for acts or services performed in violation of this Act.

10 (9) Attempting to confer a fraudulent degree, diploma, or
11 certificate upon a student.

12 (10) Failure to correct any deficiency or act of
13 noncompliance under this Act or the standards and rules
14 established under this Act within reasonable time limits set by
15 the Department.

16 (11) Conduct of business or instructional services other
17 than at locations approved by the Department.

18 (12) Failure to make all of the disclosures or making
19 inaccurate disclosures to the Department or in the enrollment
20 agreement as required under this Act.

21 (13) Failure to make appropriate refunds as required by
22 this Act.

23 (14) Denial, loss, or withdrawal of accreditation by any
24 accrediting agency.

25 (15) During any calendar year, having a failure rate of 25%
26 or greater for those of its students who for the first time
27 take the examination authorized by the Department to determine
28 fitness to receive a license as a cosmetologist, cosmetology
29 teacher, esthetician, esthetician teacher, nail technician, or
30 nail technology teacher, provided that a student who transfers
31 into the school having completed 50% or more of the required
32 program ~~with 750 or more hours for cosmetologists, 375 or more~~
33 ~~hours for estheticians, 175 or more hours for nail technician,~~
34 ~~500 or more hours for teachers or 125 or more hours for clinic~~

1 ~~teachers~~ and who takes the examination during that calendar
2 year shall not be counted for purposes of determining the
3 school's failure rate on an examination, without regard to
4 whether that transfer student passes or fails the examination.

5 (16) Failure to maintain a written record indicating the
6 funds received per student and funds paid out per student. Such
7 records shall be maintained for a minimum of 7 years and shall
8 be made available to the Department upon request. Such records
9 shall identify the funding source and amount for any student
10 who has enrolled as well as any other item set forth by rule.

11 (17) Failure to maintain a copy of the student record as
12 defined by rule.

13 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

14 (225 ILCS 410/3C-1) (from Ch. 111, par. 1703C-1)

15 (Section scheduled to be repealed on January 1, 2006)

16 Sec. 3C-1. Definitions. "Nail technician" means any person
17 who for compensation manicures, pedicures, or decorates nails,
18 applies ~~sculptured or otherwise~~ artificial applications ~~nails~~
19 by hand or with mechanical or electrical apparatus or
20 appliances, or in any way beautifies ~~cares for~~ the nails or the
21 skin of the hands or feet including massaging the hands, arms,
22 elbows, feet, lower legs, and knees of another person for other
23 than the treatment of medical disorders.

24 However, nail technicians are prohibited from using
25 techniques, products, and practices intended to affect the
26 living layers of the skin ~~performing any procedure that may~~
27 ~~puncture the skin or which may draw blood or serous body fluid.~~

28 The term nail technician includes rendering advice on what is
29 cosmetically appealing, but no person licensed under this Act
30 shall render advice on what is appropriate medical treatment
31 for diseases of the nails or skin.

32 "Nail technician teacher" means an individual licensed by
33 the Department to provide instruction in the theory and

1 practice of nail technology to students in an approved nail
2 technology school.

3 "Licensed nail technology clinic teacher" means an
4 individual licensed by the Department to practice nail
5 technology as defined in this Act and to provide clinical
6 instruction in the practice of nail technology in an approved
7 school of cosmetology or an approved school of nail technology.
8 (Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

9 (225 ILCS 410/3C-2) (from Ch. 111, par. 1703C-2)

10 (Section scheduled to be repealed on January 1, 2006)

11 Sec. 3C-2. License; qualifications. A person is qualified
12 to receive a license as a nail technician if that person
13 applies in writing on forms provided by the Department, pays
14 the required fee, and:

15 (a) Is at least 16 years of age;

16 (b) Is beyond the age of compulsory school attendance
17 or has a certificate of graduation from a school providing
18 secondary education ~~Has graduated from an eighth grade~~
19 ~~elementary school or the recognized~~ ~~its~~ equivalent of that
20 certificate;

21 (c) Has graduated from a school of cosmetology or
22 school of nail technology approved by the Department,
23 having completed a program ~~curriculum~~ of 350 hours in the
24 study of nail technology extending over a period of not
25 less than 8 weeks nor more than 2 consecutive years ~~and~~
26 ~~including the following: (1) theory, (2) manicuring and~~
27 ~~pedicuring, (3) nail treatments, (4) sanitary rules and~~
28 ~~sterilization, and (5) related electives; and~~

29 (d) Has passed an examination authorized by the
30 Department to determine eligibility ~~fitness~~ to receive a
31 license as a nail technician; and

32 (e) Has met any other requirements of this Act.

33 Time spent in the study of nail technology under the laws

1 of another state or territory of the United States, or of a
2 foreign country or province, shall be credited toward the
3 period of study required by the provisions of subsection (c).

4 (Source: P.A. 89-387, eff. 1-1-96.)

5 (225 ILCS 410/3C-3) (from Ch. 111, par. 1703C-3)

6 (Section scheduled to be repealed on January 1, 2006)

7 Sec. 3C-3. Licensure as a nail technology teacher or nail
8 technology clinic teacher; qualifications.

9 (a) A person is qualified to receive a license as a nail
10 technology teacher if that person has filed an application on
11 forms provided by the Department, paid the required fee, and:

12 (1) is at least 18 years of age;

13 (2) has graduated from high school or its equivalent;

14 (3) has a current license as a cosmetologist or nail
15 technician;

16 (4) has either: (1) completed a program of 500 hours of
17 teacher training in a licensed school of nail technology or
18 cosmetology, and had 2 years of practical experience as a
19 nail technician; or (2) has completed a program of 625
20 hours of teacher training in a licensed school of
21 cosmetology approved to teach nail technology or school of
22 nail technology; and

23 (5) who has passed an examination authorized by the
24 Department to determine eligibility ~~fitness~~ to receive a
25 license as a cosmetology or nail technology teacher.

26 (b) A person is qualified to receive a license as a nail
27 technology clinic teacher if that person has applied in writing
28 on forms supplied by the Department, paid the required fees,
29 and:

30 (1) is at least 18 years of age;

31 (2) has graduated from high school or its equivalent;

32 (3) has a current license as a licensed cosmetologist
33 or nail technician;

1 (4) has (i) completed a program of 250 hours of clinic
2 teacher training in a licensed school of cosmetology or a
3 licensed nail technology school or (ii) within 5 years
4 preceding the examination, has obtained a minimum of ~~and~~
5 ~~had~~ 2 years of practical experience working at least 30
6 full-time hours per week as a licensed cosmetologist or
7 nail technician and has completed an instructor's
8 institute of 20 hours, as prescribed by the Department,
9 prior to submitting an application for examination ~~within 5~~
10 ~~years preceding the examination;~~

11 (5) has passed an examination authorized by the
12 Department to determine eligibility ~~fitness~~ to receive a
13 license as a licensed cosmetology teacher or licensed nail
14 technology teacher;

15 (6) demonstrates, to the satisfaction of the
16 Department, current skills in the use of machines used in
17 the practice of nail technology; and

18 (7) has met any other requirements required by this
19 Act.

20 The Department shall not issue any new nail technology
21 clinic teacher licenses after January 1, 2009. Any person
22 issued a license as a nail technology clinic teacher before
23 January 1, 2009, may renew the license after that date under
24 this Act and that person may continue to renew the license or
25 have the license restored during his or her lifetime, subject
26 only to the renewal or restoration requirements for the license
27 under this Act; however, such licensee and license shall remain
28 subject to the provisions of this Act, including, but not
29 limited to, provisions concerning renewal, restoration, fees,
30 continuing education, discipline, administration, and
31 enforcement.

32 (c) An applicant who receives a license as a nail
33 technology teacher or nail technology clinic teacher shall not
34 be required to maintain a license as a nail technician.

1 (Source: P.A. 90-302, eff. 8-1-97; 91-863, eff. 7-1-00.)

2 (225 ILCS 410/3C-9) (from Ch. 111, par. 1703C-9)

3 (Section scheduled to be repealed on January 1, 2006)

4 Sec. 3C-9. Endorsement. Upon payment of the required fee,
5 an applicant who is a nail technician, nail technology teacher,
6 or nail technology clinic teacher registered or licensed under
7 the laws of another state or territory of the United States or
8 of a foreign country or province may be granted a license as a
9 nail technician, nail technician teacher, or nail technology
10 clinic teacher by the Department in its discretion upon the
11 following conditions:

12 (a) For a nail technologist registered or licensed
13 elsewhere:

14 (1) the applicant is at least 16 years of age;

15 (1.5) the applicant has passed an examination
16 authorized by the Department to determine eligibility
17 ~~fitness~~ to receive a license as a nail technician; and

18 (2) the requirements for the registration or licensing
19 of nail technicians in the particular state, territory,
20 country or province were, at the date of licensure,
21 substantially equivalent to the requirements then in force
22 in this State. The Department shall prescribe reasonable
23 rules and regulations governing the recognition of and the
24 credit to be given to the study of nail technology under a
25 cosmetologist or nail technician registered or licensed
26 under the laws of another state or territory of the United
27 States or a foreign country or province by an applicant for
28 a license as a nail technician.

29 (b) For a nail technology teacher or nail technology clinic
30 teacher licensed or registered elsewhere:

31 (1) the applicant is at least 18 years of age;

32 (1.5) the applicant has passed an examination
33 authorized by the Department to determine eligibility

1 ~~fitness~~ to receive a license as a nail technology teacher;
2 and

3 (2) the requirements for the licensing of nail
4 technology teachers or nail technology clinic teachers in
5 the other jurisdiction were, at the date of licensure,
6 substantially equivalent to the requirements then in force
7 in this State; or the applicant has established proof of
8 legal practice as a nail technology teacher or nail
9 technology clinic teacher in another jurisdiction for at
10 least 3 years.

11 The Department shall allow applicants who have been
12 licensed to practice nail technology in other states a credit
13 of at least 75 hours for each year of experience toward the
14 education required under this Act.

15 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97; 90-632,
16 eff. 1-1-99.)

17 (225 ILCS 410/3D-5)

18 (Section scheduled to be repealed on January 1, 2006)

19 Sec. 3D-5. Requisites for ownership or operation of
20 cosmetology, esthetics, and nail technology salons and barber
21 shops.

22 (a) No person, firm, partnership, limited liability
23 company, or corporation shall own or operate a cosmetology,
24 esthetics, or nail technology salon or barber shop or employ,
25 rent space to, or independently contract with any licensee
26 under this Act without ~~first~~ applying on forms provided by the
27 Department for a certificate of registration.

28 (b) The application for a certificate of registration under
29 this Section shall set forth the name, address, and telephone
30 number of the proposed cosmetology, esthetics, or nail
31 technology salon or barber shop; the name, address, and
32 telephone number of the person, firm, partnership, or
33 corporation that is to own or operate the salon or shop; and,

1 if the salon or shop is to be owned or operated by an entity
2 other than an individual, the name, address, and telephone
3 number of the managing partner or the chief executive officer
4 of the corporation or other entity that owns or operates the
5 salon or shop.

6 (c) The Department shall be notified by the owner or
7 operator of a salon or shop that is moved to a new location. If
8 there is a change in the ownership or operation of a salon or
9 shop, the new owner or operator shall report that change to the
10 Department along with completion of any additional
11 requirements set forth by rule.

12 (d) If a person, firm, partnership, limited liability
13 company, or corporation owns or operates more than one shop or
14 salon, a separate certificate of registration must be obtained
15 for each salon or shop.

16 (e) A certificate of registration granted under this
17 Section may be revoked in accordance with the provisions of
18 Article IV and the holder of the certificate may be otherwise
19 disciplined by the Department in accordance with rules adopted
20 under this Act.

21 (f) The Department may promulgate rules to establish
22 additional requirements for owning or operating a salon or
23 shop.

24 (Source: P.A. 89-387, eff. 1-1-96; 89-706, eff. 1-31-97.)

25 (225 ILCS 410/4-1) (from Ch. 111, par. 1704-1)

26 (Section scheduled to be repealed on January 1, 2006)

27 Sec. 4-1. Powers and duties of Department. The Department
28 shall exercise, subject to the provisions of this Act, the
29 following functions, powers and duties:

30 (1) To cause to be conducted examinations to ascertain the
31 qualifications and fitness of applicants for licensure as
32 cosmetologists, estheticians, nail technicians, or barbers and
33 as cosmetology, esthetics, nail technology, or barbering

1 teachers.

2 (2) To determine the ~~establish~~ qualifications for
3 licensure as a cosmetologist, esthetician, nail technician, or
4 barber or cosmetology, esthetics, nail technology, or barber
5 teacher or cosmetology, esthetics, or nail technology clinic
6 teachers for persons currently licensed as cosmetologists,
7 estheticians, nail technicians, or barbers or cosmetology,
8 esthetics, nail technology, or barber teachers or cosmetology,
9 esthetics, or nail technology clinic teachers outside the State
10 of Illinois or the continental U.S.

11 (3) To prescribe rules for:

12 (i) The method of examination of candidates for
13 licensure as a cosmetologist, esthetician, nail
14 technician, or barber or cosmetology, esthetics, nail
15 technology, or barbering teacher.

16 (ii) Minimum standards as to what constitutes an
17 approved school of cosmetology, esthetics, nail
18 technology, or barbering.

19 (4) To conduct investigations or hearings on proceedings to
20 determine disciplinary action.

21 (5) To prescribe reasonable rules governing the sanitary
22 regulation and inspection of cosmetology, esthetics, nail
23 technology, or barbering schools, salons, or shops.

24 (6) To prescribe, ~~subject to and consistent with the~~
25 ~~provisions of Section 4-1.5,~~ reasonable rules for the method of
26 renewal for each license as a cosmetologist, esthetician, nail
27 technician, or barber or cosmetology, esthetics, nail
28 technology, or barbering teacher or cosmetology, esthetics, or
29 nail technology clinic teacher.

30 (7) To prescribe reasonable rules for the method of
31 registration, the issuance, fees, renewal and discipline of a
32 certificate of registration for the ownership or operation of
33 cosmetology, esthetics, and nail technology salons and barber
34 shops.

1 (Source: P.A. 89-387, eff. 1-1-96; 90-302, eff. 8-1-97.)

2 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

3 (Section scheduled to be repealed on January 1, 2006)

4 Sec. 4-2. The Barber, Cosmetology, Esthetics, and Nail
5 Technology Board Committee. There is established within the
6 Department the Barber, Cosmetology, Esthetics, and Nail
7 Technology Board Committee, composed of 11 persons, which shall
8 serve in an advisory capacity to ~~designated from time to time~~
9 ~~by the Director to advise~~ the Director in all matters related
10 to the practice of barbering, cosmetology, esthetics, and nail
11 technology.

12 The 11 members of the Board Committee shall be appointed as
13 follows: 6 licensed cosmetologists, all of whom hold a current
14 license as a cosmetologist or cosmetology teacher and, for
15 appointments made after the effective date of this amendatory
16 Act of 1996, at least 2 of whom shall be an owner of or a major
17 stockholder in a school of cosmetology, 2 of whom shall be
18 representatives of either a franchiser or an owner operating
19 salons in 2 or more locations within the State ~~one of whom~~
20 ~~shall be a representative of a franchiser with 5 or more~~
21 ~~locations within the State, one of whom shall be a~~
22 ~~representative of an owner operating salons in 5 or more~~
23 ~~locations within the State~~, one of whom shall be an independent
24 salon owner, and no one of the cosmetologist members shall be a
25 manufacturer, jobber, or stockholder in a factory of
26 cosmetology articles or an immediate family member of any of
27 the above; 2 of whom shall be barbers holding a current
28 license; one member who shall be a licensed esthetician or
29 esthetics teacher; one member who shall be a licensed nail
30 technician or nail technology teacher; and one public member
31 who holds no licenses issued by the Department. The Director
32 shall give due consideration for membership to recommendations
33 by members of the professions and by their professional

1 organizations. Members shall serve 4 year terms and until their
2 successors are appointed and qualified. No member shall be
3 reappointed to the Board ~~Committee~~ for more than 2 terms.
4 Appointments to fill vacancies shall be made in the same manner
5 as original appointments for the unexpired portion of the
6 vacated term. Members of the Board ~~Committee~~ in office on the
7 effective date of this amendatory Act of 1996 shall continue to
8 serve for the duration of the terms to which they have been
9 appointed, but beginning on that effective date all
10 appointments of licensed cosmetologists and barbers to serve as
11 members of the Board ~~Committee~~ shall be made in a manner that
12 will effect at the earliest possible date the changes made by
13 this amendatory Act of 1996 in the representative composition
14 of the Board ~~Committee~~.

15 A majority of Board ~~Committee~~ members then appointed
16 constitutes a quorum. A majority of the quorum is required for
17 a Board ~~Committee~~ decision.

18 Whenever the Director is satisfied that substantial
19 justice has not been done in an examination, the Director may
20 order a reexamination by the same or other examiners.

21 (Source: P.A. 93-253, eff. 7-22-03.)

22 (225 ILCS 410/3C-4 rep.)

23 (225 ILCS 410/3C-5 rep.)

24 (225 ILCS 410/4-1.5 rep.)

25 Section 15. The Barber, Cosmetology, Esthetics, and Nail
26 Technology Act of 1985 is amended by repealing Sections 3C-4,
27 3C-5, and 4-1.5.

28 Section 99. Effective date. This Act takes effect December
29 31, 2005."